

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

ALEXANDER PRIEL,)	
)	
Plaintiff,)	Case No.: 1:12-CV-2840
)	
vs.)	PLAINTIFF'S COMPLAINT
)	AND DEMAND FOR JURY TRIAL
DELANOR KEMPER & ASSOCIATES, LLC,)	
)	
Defendant.)	

VERIFIED COMPLAINT

ALEXANDER PRIEL, ("Plaintiff"), through the undersigned counsel, ALEX SIMANOVSKY & ASSOCIATES, LLC, alleges the following against DELANOR KEMPER & ASSOCIATES, LLC, ("Defendant"):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

3. Defendant conducts business in the state of OHIO, and therefore, personal jurisdiction is established.

4. Venue is proper pursuant to 28 U.S.C. 1391(b)(1).

5. Declaratory relief is available pursuant to 28 U.S.C. 2201 and 2202.

PARTIES

6. Plaintiff is a natural person residing in North Ridgeville, OH.

7. Plaintiff is a consumer as that term is defined by 15 U.S.C. 1692a(3), and according to Defendant, Plaintiff allegedly owes a debt as that term is defined by 15 U.S.C. 1692a(5).

8. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.

9. Defendant is a national company, with its corporate office located at: Delanor Kemper & Associates, LLC, 448 Ralph David Abernathy Boulevard #11, Atlanta, GA 30312-2404.

10. Defendant, in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

A. DEBT

11. Plaintiff incurred a financial obligation (the “Debt”) to a creditor (the “Creditor”) in connection with a personal television.

12. The Debt arose from services allegedly provided by the Creditor which were primarily for family, personal or household purposes and which meets the definition of a “debt” under 15 U.S.C. §1692a(5).

13. The Debt was purchased, assigned or transferred to Delanore Kemper & Associates, LLC for collection, or Delanore Kemper & Associates, LLC was employed by the Creditor to collect the Debt.

14. The Defendant attempted to collect the Debt and, as such, engaged in

“communications” as defined in 15 U.S.C. §1692a(2).

B. HARASSMENT AND ABUSIVE TACTICS

15. Defendant constantly and continuously places collection calls to Plaintiff at 440-310-2860 seeking and demanding payment for the alleged debt.

16. Defendant calls Plaintiff from telephone number 866-943-9340 seeking and demanding payment for the alleged debt.

17. On January 4, 2012, defendant’s representative Michael Barnes contacted Plaintiff’s father, Alexander Priel, Jr., and disclosed the existence and nature of a debt.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

18. Defendant violated the FDCPA based on the following:

- a.) Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of which is to harass, oppress, or abuse the Plaintiff in connection with the collection of a debt.
- b.) Defendant violated §1692b(1) of the FDCPA by contacting persons other than Plaintiff and failing to identify him/herself and failing to state the he/she is confirming or correcting location information concerning Plaintiff.

WHEREFORE, Plaintiff, ALEXANDER PRIEL, respectfully requests judgment be entered against Defendant, DELANOR KEMPER & ASSOCIATES, LLC, for the following:

- a. Declaratory judgment that Defendant’s conduct violated the Fair Debt Collection Practices Act,
- b. Statutory damages pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

- c. Actual damages,
- d. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k
- e. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

PLEASE TAKE NOTICE that Plaintiff, ALEXANDER PRIEL, demands a jury trial in this case.

RESPECTFULLY SUBMITTED. Dated: November 14, 2012.

BY: /s/ Shawn Cormier-Warren
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